REMARKS

Claims 20, 27-32 and 38 are pending in the present application. The Office Communication notes certain objections to claims 30 and 31. Claims 20, 27-29, 32 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent no. 5,212,373 (hereinafter Fujioka) in view of US patent application publication no. 2003/0178483 (hereinafter Wakabayashi). Claims 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Fujioka in view of Wakabayashi and further in view of RFID Standards (ISO 1800-4 part 4, updated January 31, 2002). No new matter is presented by these amendments.

Discussion of Claim Objections

Claim 30 is amended herein as requested by the Examiner to correct an oversight regarding the claim number dependency. Claim 38 is amended herein to correct a minor typographical oversight. These amendments directed to correcting minor informalities should be entered (no new issues are introduced) and, therefore, the claim objections noted in the Office Communication should be withdrawn.

Discussion of §103 Rejections

M.P.E.P. §2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Applicant respectfully notes that M.P.E.P. §2111 does not give *carte blanche* (unlimited freedom) to the Examiners in connection with claim interpretation during prosecution. M.P.E.P. §2111 expressly requires that the Examiner's claim interpretation must be 1) reasonable, and 2) must also be consistent with the interpretation that those skilled in the art would reach.

Applicant respectfully submits that the applied art (Fujioka/Wakabayashi/RFID Standards) fails to teach or suggest each of the structural and/or operational relationships set forth in independent claim 20.

For example, it is not seen where such applied art teaches or suggests the following structural and/or operational relationships:

monitoring a signal level corresponding to frequencies emitted by the read/write device;

comparing the signal level relative to a detection threshold;

when the monitored signal level exceeds the detection threshold, controlling the second oscillator to generate the second clocking signal during a cyclic polling time of a polling cycle;

if the monitored signal level reverts to a level below the detection threshold, switching off the second oscillator;

supplying the second clocking signal to a data receiver for data reception at a data reception rate during the cyclic polling time selecting the duration of the cyclic polling time to reduce power consumption and increase an operating life of the depletable energy store.

The Examiner cites paragraphs [0081- [0083] and [0120]- [0122] of Wakabayashi as relevant in connection with the foregoing structural and/or operational relationships. However, one skilled in the art will appreciate that any monitoring and/or comparing performed by switch control circuit 61 regarding the output voltage V rectified by the power circuit 62, (as described by Wakabayashi) is merely used to switching on/off the switch element SW and the power supply switch element PSW based on the value of the output voltage V and has nothing to do with "when the monitored signal level exceeds the detection threshold, controlling the second oscillator to generate the second clocking signal during a cyclic polling time of a polling cycle", as recited in the claimed invention.

Moreover, the Examiner misconstrues "wherein the second clock frequency is sufficiently high relative to the data reception rate to oversample the data being received by the data receiver", and "wherein the duration of the cyclic polling time is selected to reduce power consumption and increase an operating life of said at least one depletable energy store." More particularly, the Examiner cites as relevant that Fujioka uses a generating means for generating a higher frequency clock and (as purported by Fujioka) this saves power relative to a standby operation mode operating at a lower frequency clock. One skilled in the art will appreciate that

the claimed language recites that "the second clock frequency is sufficiently high relative to the data reception rate to oversample the data being received by the data receiver." Opposite to Fujioka, the claimed language does not say that the second clock frequency is higher to reduce power consumption. In fact, the claimed language expressly recites that the duration of the cyclic polling time is selected to reduce power consumption (again not the value of the second frequency). The foregoing construction by the Examiner does not appear to be consistent with the interpretation that those skilled in the art would reach.

Applicant respectfully reminds the Examiner that M.P.E.P 707.07(f) instructs Examiners to answer all arguments presented by Applicants, and the following argument was previously asserted by the Applicant but seems to have been overlooked by the Examiner, even though it remains applicable to the newly cited art combination. More particularly, Applicant traverses the combination of Fujioka, Wakabayashi and RFID Standards under M.P.E.P., section 2143.01 V. More particularly, as described in greater detail below, Wakabayashi would render Fujioka unsatisfactory for its intended purpose. Therefore, under this basis of traversal, the Fujioka/Wakabayashi combination also fails to constitute a *prima facie* combination for appropriately sustaining an obviousness rejection under the statutory requirements.

Wakabayashi is directed to purportedly solving the problem (an inability to communicate) that arises when two or more noncontact IC cards are overlaid next to each other. See paragraph 4 of Wakabayashi. More particularly, Wakabayashi uses a switch control circuitry 61 to selectively interconnect capacitors C1 and C2 to avoid a drop in the magnitude of the output voltage from a resonator circuit 60 connected to a power circuit 62, which is a rectifier for converting to a DC voltage the AC voltage supplied by resonator 60. See paragraph 76 of Wakabayashi. It will be appreciated that one skilled in the art would recognize that resonator 60 and rectifier 62 comprise a power converter circuit, not an energy store, as set forth in the claimed invention. In fact, Wakabayashi has nothing to do with a method (or apparatus) to increase an operating life of any energy store or battery. (Applicant kindly requests the Examiner to point out which element of Wakabayashi is a battery). One skilled in the art would appreciate that Wakabayashi merely describes switching control circuitry for adapting his power converter to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other. As noted above, Fujioka purports to use a higher frequency for reducing power consumption in a non-contact IC card that uses a battery while Wakabayashi

describes techniques for adapting a power converter (not a battery) to compensate for electromagnetic effects that arise when two or more noncontact IC cards are overlaid next to each other, which is a substantially different purpose than the purported objective of Fujioka.

In view of the various deficiencies noted above in connection with the Office Communication, Applicant respectfully submits that the Office Communication fails to provide an appropriate "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" See 2143.01 (IV)

Claims 21-29 each depend from claim 20 and consequently incorporate the structural and/or operational relationships of such a claim. Accordingly, these claims are also allowable over the applied art. Therefore, claims 20-29 are believed to be in condition for allowance.

Independent claims 32 and 38 have also been amended consistent with the concepts provided by the structural and/or operational relationships described above. Consequently, such independent claims, and claims depending from such claims, are also believed to be in condition for allowance.

(Please proceed to the next page.)

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter, and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed without the necessity of further pursuit of the pending appeal.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: July 20, 2009

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